

Date Mailed  
August 8, 2002

BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Petition of Ameritech Wisconsin for Withdrawal of Its Intralata  
Toll Service Provider of Last Resort Requirements in the Exchanges  
of Six Independent Local Exchange Companies and for Related  
Emergency and Other Relief

6720-TA-117

**NOTICE OF INVESTIGATION AND ORDER**

Comments Due: <b>Friday, September 6, 2002 – Noon</b>	Address Comments To: <b>Lynda L. Dorr, Secretary to the Commission</b> <b>Public Service Commission</b> P.O. Box 7854 Madison, WI 53707-7854 FAX (608) 266-3957
FAX Comments Due: <b>Thursday, September 5, 2002 – Noon</b>	

**THIS IS AN INVESTIGATION** under Wis. Admin. Code § PSC 160.14 to address the request of Wisconsin Bell, Inc., d/b/a Ameritech Wisconsin (Ameritech), to lift the intraLATA toll provider of last resort (iPoLR) obligation in the territories served by Citizens Telephone Cooperative, Inc. (Citizens Coop); Farmers Independent Telephone Company (FITC); Spring Valley Telephone Company (SVTC); Lakefield Telephone Company (Lakefield); Siren Telephone Company, Inc. (Siren); and West Wisconsin Telephone Cooperative (West Wisconsin Coop). It is also a proceeding under Wis. Stat. § 196.20 and Wis. Admin. Code § 2.71 to address Ameritech's filing to discontinue intraLATA toll service in the territories served by Lakefield, Siren and West Wisconsin.

The intraLATA toll provider of last resort (iPoLR) is required to provide toll service to all customers requesting such service. The status was created as a means of ensuring that toll service is available if the market is not providing it. Wis. Admin. Code § PSC 160.14(2)(d) allows the Commission to lift that requirement in exchanges in which competition is present, and in which the current iPoLR has less than half the residential customers. In the exchanges of the above named six local exchange companies, Ameritech is the presubscribed long distance provider for less than 50 percent of the residential customers. In the future, should it become necessary, the Commission rules include provision for the Commission to designate a new iPoLR.

Ameritech has also filed to discontinue intraLATA toll service in the territories served by Lakefield, Siren, and West Wisconsin Coop. If discontinuance is authorized, Ameritech would no longer provide toll service at all to customers in those territories. (At the exchanges of

Citizens Coop, FITC, and SVTC, Ameritech would still offer toll services, but not as an iPoLR.) Wis. Stat. § 196.20(1m) lists the circumstances under which a service may be discontinued<sup>1</sup> and provides that the Commission shall determine under what conditions a utility may discontinue intraLATA toll service. Ameritech is in the process of arranging for the necessary notice to customers.

**NOTICE IS GIVEN** that the Commission considers it necessary, in order to carry out its duties, to investigate all books, accounts, practices, and activities of the applicant. The expenses incurred or to be incurred by the Commission which are reasonably attributable to such an investigation will be assessed against and collected from the applicant in accordance with the provisions of Wis. Stat. § 196.85 and Wis. Admin. Code ch. PSC 5.

Comments on the above issues concerning iPoLR and the discontinuance of toll services must be received by **noon on Friday, September 6, 2002**. Parties submitting comments by fax must do so by **noon on Thursday, September 5, 2002**. Parties should file an original and 15 copies of their comments as indicated in the box on page 1 and must refer to docket 6720-TA-117. Members of the public need only file an original. Fax filing cover sheets must state "Official Filing," the docket number, and the number of pages (limit of 20 pages). File by one mode only.

The Commission does not, at this time, intend to hold a formal hearing on these issues. If any person believes that a formal hearing should be held, that person should file comments to that effect. Said comments should include specific details on the facts or information that such a hearing would produce which could not be provided in written comments.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to obtain this document in a different format should contact the docket coordinator listed below.

Wis. Admin. Code § PSC 160.14(2)(c) describes the notice that must be provided to affected customers of the request to have the iPoLR requirements lifted.<sup>2</sup> Certain of these notice requirements are not applicable to the unusual situation at hand, a situation in which: the iPoLR

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<sup>1</sup> A telecommunications utility may discontinue a service to an exchange if the service is optional and not essential to the provision of basic local exchange service, business access line and usage service within a local calling area or access services, or if one or more other telecommunications providers...are furnishing substantially the same telecommunications service to customers in the exchange, or if reasonable alternative services are available from the utility or other telecommunications providers.

<sup>2</sup>(c) ... The notice to customers shall ... clearly state the following:

1. The petitioner is seeking authority to deny service to some or all customers within the exchange.
2. Toll services in the future may be available only from other telecommunications providers, or from only one telecommunications provider.
3. If a new provider of last resort is designated, all customers may be switched to that provider's service, although they may choose to obtain service from any other intraLATA toll service provider in the area after reassignment of the provider of last resort requirement.

has requested to discontinue service in some, but not all, of the exchanges for which it is also requesting a lifting of the iPoLR requirement; the Commission may choose not to designate a new iPoLR; and the notice requirement in the rule is tied to the situation when a new iPoLR is designated. For example, it makes little sense to notify customers that they may be switched to a new iPoLR's service after reassignment of iPoLR status when it is possible that no new iPoLR will be designated, and no such automatic customer assignment occurs when iPoLR status is lifted without naming a new iPoLR. Changes to this section of the rules are among the changes to be considered during the biennial review of Wis. Admin. Code ch. PSC 160.

Wis. Admin. Code § PSC 160.01(2)(b) allows the Commission to give special and individual consideration to such unusual situations and to adopt requirements as to individual providers that are different than those provided in the rule. While it is important to provide customers with notice of the request to lift iPoLR status, it is equally important that it be meaningful notice.

**IT IS ORDERED** that rather than the notice elements listed in Wis. Admin. Code § PSC 160.14(c) 1. to 3., Ameritech provide a notice that clearly states it is seeking to have the iPoLR requirement lifted, pursuant to Wis. Admin Code § PSC 160.14(2)(d). This would mean that no iPoLR would exist for those areas. In the three service territories where Ameritech intends to continue to provide intraLATA toll service, the notice shall so state that as well. In the three service territories where Ameritech has filed to discontinue service, the notice concerning the discontinuance may be combined with the iPoLR notice.

Ameritech does not directly bill customers for its intraLATA toll service in the territories that are the subject of this proceeding. The six ILECs that serve these territories have indicated a willingness to include the required Ameritech notices as an insert in their bills or to provide Ameritech with the customer information necessary for Ameritech to notify these customers directly. The Commission orders that Ameritech shall reimburse the ILECs for the reasonable costs they incur in doing so.

Questions regarding this matter may be directed to docket coordinator Peter Jahn at (608) 267-2338.

Dated at Madison, Wisconsin, \_\_\_\_\_

By the Commission:

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Lynda L. Dorr  
Secretary to the Commission